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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,378	06/23/2003	David Farrow	SMB-004	7906
22463	7590	01/06/2010		
SMART & BIGGAR 438 UNIVERSITY AVENUE SUITE 1500, BOX 111 TORONTO, ON M5G 2K8 CANADA			EXAMINER SKOWRONEK, KARL HEINZ R	
			ART UNIT 1631	PAPER NUMBER
			MAIL DATE 01/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10601378	06/23/2003	FARROW, DAVID	SMB-004

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TORONTO, CANADA M5G 2K8

EXAMINER

KARLHEINZ R. SKOWRONEK

ART UNIT	PAPER
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1631

20100103

DATE MAILED:

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Commissioner for Patents

With respect to appellant's comments regarding the status of the claims. The status of claims does not indicated the cancelled claims as set forth in 37 CFR 41.37(c)(1)(iii), "*Status of claims*". A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed". As noted in the Examiners Answer of 22 September 2009 and reiterated here, the status of claims fails to indicate claims 6 and 9-21 as cancelled.

The reply brief filed 23 November 2009 has been entered and considered.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARLHEINZ R. SKOWRONEK whose telephone number is (571)272-9047. The examiner can normally be reached on 8:00am-5:00pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached on (571) 272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KARLHEINZ R SKOWRONEK/
Examiner, Art Unit 1631